

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1-15, and 21-23 have been cancelled without prejudice or disclaimer, and claims 17-20 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 16-20 are pending and under consideration.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because:

- (a) the rejected claims have been cancelled;
- (b) it is believed that the amendment of claims 17-20 puts this application into condition for allowance as suggested by the Examiner;

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

ALLOWABLE SUBJECT MATTER:

In the Office Action, at page 7, the Examiner indicated that claims 16-20 are allowed. Applicants respectfully note that claims 17 and 18 depend from rejected claim 3, and claims 19 and 20 depend from rejected claim 5. Thus, Applicants have assumed that claims 17-20 contain allowable subject matter. And Applicants have rewritten claims 17-20 in independent form.

Further, since the Examiner has maintained the allowed status of claims 16-20 since the Office Action mailed April 7, 2004 (mailed in response to the amendment filed December 1, 2003), Applicants have rewritten claims 17-20 in independent form based on claims 3 and 5 as presented in the amendment filed December 1, 2003.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 2, the Examiner rejected claims 1-4, 6, 12, and 13 under 35

U.S.C. §112, first paragraph, for the reasons set forth therein. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Claims 1-4, 6, 12, and 13 have been cancelled without prejudice or disclaimer.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at pages 2-7, the Examiner rejected claims 1-15 under 35 U.S.C. §103(a) for various reasons.

Claims 1-15 have been cancelled without prejudice or disclaimer.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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